

GAHC010083162023



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/2114/2023

GITIKA BANIK
D/O PRADIP BANIK, R/O VILL-SONARIPARA, P.O. AND P.S.-CHAYGAON,
DIST-KAMRUP, ASSAM, PIN-

VERSUS

THE STATE OF ASSAM AND 2 ORS.
REPRESENTED BY PRINCIPAL SECRETARY TO THE GOVERNMENT OF
ASSAM, SKILL, EMPLOYMENT AND ENTREPRENEURSHIP DEPARTMENT,
DISPUR, GUWAHATI, PIN-781006

2:THE DIRECTOR
DEPARTMENT OF TECHNICAL EDUCATION
KAHILIPARA
GUWAHATI-781019

3:DIPANKAR MALAKAR
C/O DILIP KUMAR MALAKAR
V/O DHARAMKAHAL
P.O.-SILCOORIE
DIST-CACHAR
PIN-78811

Advocate for the Petitioner : MS P DAS

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

ORDER

17-08-2023

Heard Ms. P. Agarwal, learned Legal Aid counsel for the petitioner. Also heard Mr. S.P. Das, learned State Counsel, appearing for the respondent no.1 and Mr. A.R. Tahbildar, learned Standing Counsel, Elementary Education Department appearing of the respondent nos. 2. None has appeared for the respondent no.3.

2. This writ petition has been filed by the petitioner who has applied for a Lateral Entry into Polytechnic institution of Assam pursuant to the advertisement dated 15.12.2022 passed in *The Assam Tribune* newspaper. According to the learned counsel for the petitioner, the petitioner has all the required qualification for being accepted for a Lateral Entry to a Polytechnic institution in Assam. The petitioner participated in the selection process. Her name appeared at serial no.6 of the select list in the Electrical Engineering Branch. The petitioner belongs to the Schedule Caste Category. However, while the petitioner was awaiting her admission into any of the Polytechnic institutes on the basis of the said selection process, she came to be informed that she had not been selected in the selection process as she was considered to be overaged and therefore, she was declined admission in any Polytechnic Institution.

3. Earlier when the matter was listed, learned Standing Counsel for the Higher Education Department was requested to obtain instructions.

4. Learned Standing Counsel has placed instructions before the Court today where it is shown that the age of the petitioner was calculated by taking 31.12.2023 as a cutoff date when the cutoff date ought to have been

01.01.2023 as per advertisement which is available at Annexure-3 of the writ petition. As per the advertisement the age limit of ITI passed student is minimum 17 years and maximum 25 years as of 01.01.2023 and for SC/ST 3 years additional as per exiting terms of contract. The age of the petitioner on 01.01.2023 was 28 years and therefore, she is covered by the age relaxation clause provided in the advertisement itself. It is evident that on the basis of the instructions which has been placed before this Court, the authorities have calculated the age of the petitioner by fixing wrong cutoff date. The cutoff date taken by the authorities is 31.12.2023 while it should have been 01.01.2023 as per the advertisement.

5. In that view of the matter, this Court is of the considered opinion that since the petitioner has a limited prayer seeking a direction for securing her admission into Electrical Engineering Course in any of the Polytechnic Institutions in the State of Assam, this Court finds it appropriate to dispose of this matter at this stage without calling for any affidavit from the Department on the basis of the instructions received by the learned Standing Counsel, Higher Education and a copy of which placed before the Court is also kept on record.

6. The respondent authorities are, therefore, directed to admit the petitioner for Lateral entry in Electrical Engineering Course for the session of 2022-2023 in any of the Polytechnic of the State at the appropriate level, as the classes have been already commenced in the meantime. Since, from the instructions received, it is evident that the authorities have wrongly taken the cutoff date as 31.12.2023, the prayer made by the petitioner for permitting her to be admitted in Electrical Engineering Course through Lateral Entry process into any Polytechnic Institutions of the State of Assam is allowed. The respondents are directed to pass appropriate orders forthwith permitting the petitioner to be

admitted into the appropriate level in the course in which she applied for in the State of Assam by calculating her age at the cutoff date i.e. 01.01.2023 as per the advertisement date 15.12.2022.

7. In terms of the above, the writ petition stands allowed and disposed of.

JUDGE

Comparing Assistant